



09/20/07

Atty Docket No. 92/D97-060A  
D17C  
G EPC

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants : LEPAGE et al.

) I hereby certify this paper and the documents  
) referred to as enclosed therewith are being  
) deposited with the United States Postal  
) Service on **September 19, 2007** in an  
) envelope addressed to Chief Administrative  
) Patent Judge Board of Patent Appeals and  
) Interferences, PO Box 1450, Alexandria,  
) Virginia 22313-1450 utilizing the "Express  
) Mail Post Office to Addressee" service of the  
) United States Postal Service under Mailing  
) Label No. **EM 144213789 US.**

U.S. Serial No. : 09/205,318

)  
Chrysa Liskd  
)

Filed : December 4, 1998

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Chrysa Liskd  
)

Title : Roll-Up Door for Vehicle  
Shelters

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)  
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)  
)

Art Unit : 3634

Examiner : Blair M. Johnson

Appeal No. : 2006-0134

Chief  
Administrative  
Patent Judge : Michael R. Fleming

**RENEWED PETITION UNDER 37 CFR § 41.3 TO**  
**SUSPEND FILING DEADLINE REQUIREMENT OF RULE 41.50(a)(2)**

Chief Administrative Patent Judge  
Board of Patent Appeals and Interferences  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The appellants of United States Patent Application Number 09/205,318, Appeal No. 2006-0134, hereby respectfully request consideration of this Renewed Petition under 37 CFR §41.3 to suspend the filing date requirement under 37 C.F.R. §41.50(a)(2) in the interest of justice, and to permit filing of the Applicants' Reply Brief, previously forwarded on December

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12, 2005. Pursuant to 36 CFR § 41.3(e)(ii), this Renewed Petition is timely filed within 14 days of the mailing date of the Decision on Petition.

## **INTRODUCTION**

In the Decision on Petition mailed September 5, 2007, the Chief Administrative Patent Judge indicated that the appellants “have admitted that through an inadvertence of their counsel’s docketing department” the filing deadline for a response to the examiner’s supplemental examiner’s answer was not met, “but other than the conclusory allegation of inadvertence have offered no evidence or other reasoning for seeking a suspension of the rule.”

Accordingly, after a discussion with the Office of Judge Fleming, the appellants submit the present renewed petition, providing further evidence and other reasoning for seeking a suspension of the rule due to the inadvertent docketing error.

## **STATEMENT OF FACTS**

Pursuant to 37 C.F.R. §41.3, the appellants include the petition fee required by 37 C.F.R. §41.20(a). The undersigned Attorney for the Appellants respectfully submits that extraordinary circumstances exist in this case, and that justice requires the suspension of the filing due date requirement under 37 C.F.R. §41.50(a)(2). In particular, the appellants note that an inadvertent docketing error resulted in the filing of the previously submitted Reply Brief more than two months after the mailing of the supplemental examiner’s answer. In particular, the undersigned requests that, in the interest of justice and fairness to the appellants, the Commissioner consider the following information.

1. On June 8, 2005, the Office mailed a Supplemental Examiner’s Answer to the appellants’ previous counsel.

**U.S. Serial No. 09/205,318  
Appeal No. 2006-0134  
Renewed Petition Under 37 CFR § 41.3 to Suspend Filing Deadline**

2. The appellants' previous counsel forwarded the Supplemental Examiner's Answer to the appellants' present counsel, Hanley, Flight and Zimmerman LLC ("the Firm"), in a timely manner.
3. The Supplemental Examiner's Answer was received by Karen Radius ("Ms. Radius"), the sole member of the Firm's docketing department at that time, but without deceptive intent, and in error, the matter was not properly docketed. Specifically, the incorrect deadline to respond to the Supplemental Examiner's Answer was entered into the system. More specifically:
  - a. The Supplemental Examiner's Answer (the "Answer") was received by the Firm on June 13, 2005, as evidenced by the date stamp affixed to the front of the action attached as Exhibit A.
  - b. The Answer includes no indication of any filing date deadlines.
  - c. Ms. Radius was the person responsible for all docketing at the Firm when the Answer was received at the Firm. She is the person who incorrectly docketed the Answer.
  - d. Before joining the Firm as the Office Manager and Docketing clerk, Ms. Radius had been a patent paralegal at a large IP firm in Chicago for many years. The precise number of years she had worked under the title "patent paralegal" is unknown, but it is known that she had that title prior to 1997 and that she started with the predecessor firm in 1992. Upon hiring Ms. Radius at the Firm, it was believed that she had the experience and knowledge necessary to handle all docketing responsibilities and to docket all actions correctly.

- e. Further, the Firm spent considerable resources in training Ms. Radius to handle the docketing for the Firm. For example, Ms. Radius' predecessor spent time personally training Ms. Radius on the docketing system. The Firm also paid to send Ms. Radius to a formal training program through MDC, the provider of the Firm's docketing software.
- f. Despite these training efforts, in late 2005 a number of administrative errors made by Ms. Radius including the docketing error at issue in this petition came to light. Accordingly, in early 2006, it was determined that Ms. Radius was not as skilled as previously thought. Subsequently, her employment with the Firm was terminated. Unfortunately, before that determination was made, Ms. Radius incorrectly docketed the Answer at issue in this petition, thereby causing the Reply Brief to be late filed.
- g. The Supplemental Examiner's Answer at issue in this petition was the *first Supplemental Examiner's Answer ever docketed by the Firm*. This fact is evidenced by the screen shots attached hereto as Exhibit B showing the results of a query into the Firm's docketing database for any action docketed using the term "supplemental." As shown in Exhibit B, the Answer was the first one docketed at the Firm. Thus, it was also the first Supplemental Examiner's Answer docketed by Ms. Radius at the Firm, and Ms. Radius had no other example in the docketing system to use as a guide in docketing this action.
- h. Further, each docket entry in the Firm's docketing system is automatically assigned a sequential entry number. As shown in Exhibit B, Ms. Radius made

a docket entry numbers 34084 identifying the mailing date of the Answer.

Entry numbers 34085 and 34086 are not recorded in the Firm's docketing system, so it is possible that Ms. Radius made two attempts to docket the Answer such that an automatic due date was generated for the action.

However, on information and belief, the Firm's docketing software does not automatically generate any due dates when docketing a Supplemental Examiner's Answer.

- i. Therefore, Ms. Radius erroneously manually entered a response due date of December 8, 2005, for responding to the Answer. That entry is reflected as entry number 34087 in Exhibit B. As mentioned above, Ms. Radius is no longer employed at the Firm, so it is not known why she selected a date six months from the mailing date of the Answer. However, it is clear that a good faith effort to docket the action was made, and a simple, but serious, error was made.
- j. A print out from the Firm's docketing system showing that the Answer was incorrectly docketed with a deadline of December 8, 2005, is attached hereto as Exhibit C. Neither Mr. Hanley nor Mr. Jarosik, the attorneys listed as responsible for the matter in Exhibit C noticed the docketing error. Indeed, no one at the Firm noticed the docketing error until it was brought to our attention by the assignee.

4. On November 1, 2005, the assignee brought the docketing oversight to the attention of the Firm.

5. On November 4, 2005, the undersigned Attorney promptly called the Board of Patent Appeals and Interferences and the examiner regarding the status of the application. The undersigned was instructed to file a Petition to Suspend the Rules to have the Reply Brief considered.
6. The appellants, maintained diligent efforts in drafting and filing the Reply Brief and forwarded the same to the U.S. Patent Office on December 5, 2005.
7. Through no fault of the appellants, and due to innocent and undetected docketing error, the Reply Brief in this matter was untimely filed.

### **Conclusion**

It is respectfully submitted that it is unfair to penalize the appellants for this innocent error. Instead, in the interests of fairness and justice, it is respectfully submitted that the appellants should be afforded a fair and complete hearing on the merits of their appeal. Accordingly, it is respectfully requested that the application and appeal be reinstated, and that the reply brief be entered.

In the event that the Judge believes it appropriate, the applicants request that this petition be considered a petition to revive an unintentionally abandoned application for the purpose of submitting the late filed reply brief. Please charge any and all fees due in connection with this petition to Deposit Account No. 50-2455.

**U.S. Serial No. 09/205,318  
Appeal No. 2006-0134  
Renewed Petition Under 37 CFR § 41.3 to Suspend Filing Deadline**

Respectfully submitted,



Dated: September 19, 2007

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Attorney for Appellants

# **EXHIBIT A**



UNITED STATES PATENT AND TRADEMARK OFFICE

92/911-060A

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/205,318	12/04/1998	ROBERT LEPAGE	97-060A	7911

7590 06/08/2005

PAUL B. STEPHENS  
MARSHALL, GERSTEIN & BORUN,  
6300 SEARS TOWER,  
233 SOUTH WACKER DRIVER  
CHICAGO, IL 60606-6357

RECEIVED

JUN 10 2005

MARSHALL GERSTEIN

EXAMINER

JOHNSON, BLAIR M

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 06/08/2005

DOCKETED

DATE

Please find below and/or attached an Office communication concerning this application or proceeding.

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JUN 13 2005

HANLEY, FLIGHT & ZIMMERMAN, LLC

Application/Control Number: 09/205,318  
Art Unit: 3634

Page 1



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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**MAILED**

JUN 07 2005

**GROUP 3600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 23

Application Number: 09/205,318  
Filing Date: December 04, 1998  
Appellant(s): LEPAGE ET AL.

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Paul B. Stephens  
For Appellant

**SUPPLEMENTAL EXAMINER'S ANSWER**

This is in response to the REMAND of 4/14/04.

**Note:** The following changes have been incorporated into the Examiner's Answer of 9/23/03 to address the three concerns of the Board prompting the remand.

- (1) Discussion of inapplicability of Ex parte Eggert (item 12).
- (2) All conferees have initialed this paper.
- (3) A copy of the IDS of 12/4/98, acknowledged by the Examiner, is attached.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

No amendment after final has been filed.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 20-27 stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) *ClaimsAppealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

No prior art is relied upon by the examiner in the rejection of the claims under appeal.

**(10) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

Claims 20-27 are rejected under 35 U.S.C. 251. This rejection is set forth in prior Office Action, Paper No. 14.

**(11) *Response to Argument***

The invention involves a roller door having tapered side edges which ride up and down in guides which diverge from top to bottom.

The critical limitations that are present in the patent claims (5,579,820) that Appellant is attempting to remove from the present claims are the tapering of the closure (roller door) and the guide means which diverge from top to bottom, both of which are related since the closure conforms to the guides. These limitations were present in the originally filed patent claims in some form but were further amended (narrowed) by patent owner on 5/30/96, the only amendment of the patented case.

In the remarks section of that amendment, patent owner proceeded to argue the merits of these two features, "tapering" and "diverging". In addressing the shortcomings of the prior art, patent owner continuously argues the importance of these features. In addressing Wellens (the only reference actually applied in the rejection), he states on page 6, lines 13-15, that "In the present invention, the section closing the trapezoidal

opening is complementary in shape thereto and thus cannot be fairly compared to the "Wellens system", the Wellens system which includes a screen which is "*vertically guided along guide tracks*", page 6, line 1, emphasis **not** added. He further states: "In fact, Claim 1 is considered to clearly distinguish from the Belgium Patent by claiming that the section of the flexible closure closing the shelter opening has side edges tapering towards the overhead roller provided at the narrow end of the shelter opening", page 6, lines 15-19. This is a clear indication that Applicant fully considered that the "diverging" feature rendered his claim allowable.

Regarding Applicant's remarks concerning both Ojima et al and German patent No. DE-38 41 139-A, he further stresses the level of importance of the "diverging" feature to overall patentability by stating that while these references do have diverging sides and guides, they differ in other structural ways, i.e. location of the roller. He states on page 7, lines 6-8, that these two references show the roller at the "large end of a trapezoidal opening as opposed to the device of the present invention which is, and must, be installed at the narrow end thereof", emphasis **not** added. Again, emphasis is put on the patentability of the "diverging" feature.

Regarding German, he again states that the closure is a "constant span", emphasis **not** added, and also addresses the "large" end verses the "narrow" end of the opening, as discussed above.

On page 8, Applicant summarizes his view of the patentability of claim 1 over the prior art as being attributable to the "tapering section", the

prior art having "rectangular" closures, etc. He states "Accordingly, Claim 1 has been herein amended in order to clearly distinguish from the citations and, more particularly, by reciting that the flexible closure includes a tapering section adapted to substantially completely close the door opening and to wind around an overhead roller provided at the upper, i.e. narrow, end of the door opening".

Consequently, it is clear from the specifics discussed above, as well as from the general view expressed by Applicant in the remarks of 5-30-96, that the diverging sides of the closure and the diverging guide means are the primary, and essentially only, feature which renders the claims allowable. Removing these features from the claims would be an attempt to recapture claimed subject matter.

Of critical importance is language added by way of Examiner's amendment of 6/10/96 by which was added "thereby diverging from top to bottom" in limiting the guide means. It is implicit that the Examiner considered this to be the patentable feature and, by accepting such language, such was agreed by patent owner.

Office policy is directed by the following decisions: Pannu V. Storz Instruments Inc., 258 F.3d 1366, 59 USPQ2d 1597 ; Ex parte Yamaguchi, 61 USPQ2d 1043.

Among the criteria for evaluating recapture, it must be determined whether the reissue claim entirely omits any limitation that was added/argued during the original prosecution to overcome an art rejection.

(Pannu). The "tapered" and "diverging" features, now omitted, were both amended and argued, as carefully detailed above. It is to be emphasized that these features have not been broadened, they have been omitted altogether. An Examiner's amendment, consented to by then Applicant, may be used to establish surrender claimed subject matter on which to base recapture (Yamaguchi).

MPEP 1412.02 is very clear that arguments alone can establish surrendered subject matter. Again, this applies to the present facts.

To repeat, patent owner both argued the omitted limitations as being critical to patentability and further amended the claims in this regard, through his amendment and the Examiner's amendment upon which he agreed.

Appellant's arguments suggests that since patent owner argued other limitations as lacking in the prior art, that this emphasis negates the importance of the omitted "tapering" and "diverging" features. This simply has not bearing on the determination of recapture as presented. He also argues that additional limitations are being added in the reissue claims. However, since such features are not related to those omitted, such an argument falls short. (Pannu).

On page 11 of the brief, Appellant states "That the question for reissue is not whether the excluded subject matter was necessary for patentability of the original claims.", and that "that could not be the case here, as the examiner has confirmed that the present claims excluding

these 'points of novelty' are indeed patentable". However, the present claims have added limitations that render them patentable, as evident from the record.

**(12) Discussion of the Inapplicability of *Ex parte Eggert***

In the present instance, the original independent claim, which was rejected by the examiner based on prior art in the original application, did not contain:

Element X: "flexible closure means having a shape which tapers in a direction of said roller means"

Element Y: "wherein in said closed position, said section of said flexible closure means substantially completely closes the door opening"

To overcome the prior art rejection against the independent claim, the applicants amended the claim to add limitations X and Y. The applicant made the choice of inserting those claim limitations into the original independent claim (in the original application). The applicant chose not to prosecute further variations of the original independent claim. At the present, on reissue, applicant is not permitted to completely delete these added limitations. See *Pannu v. Storz Instruments, Inc.*, 258 F.3d 1366, 59 USPQ2d 1597 (Fed. Cir. 2001), discussed below.

**Eggert:** The decision in *Ex Parte Eggert*, Appeal No. 2001-0790 (Bd. Pat. App. & Inter., decided May 29, 2003) (precedential opinion of an expanded panel of the Board) is **not applicable** to the facts of this appeal. The claims on appeal (claims 20-27 in the

reissue application) omit in their entirety surrender-generating limitations, i.e., the limitation(s) added in the original prosecution to define over the art to secure allowance of the patent. This is because the limitations of **patent** claim 1 which are represented as elements X and Y above, in their entirety, are essentially absent from the **reissue** claims 20-27. Therefore, the claims impermissibly recapture what was previously surrendered, as explained in more detail below.

**Patent claim** 1 contains elements X and Y, which were indicated by applicant in the patented file (original application, paper no. 5, page 8) as clearly distinguishing from the citations. The remainder of the patent claims, i.e., claims 2-19, are dependent on claim 1, and thus also include elements X and Y.

**The reissue claims:**

- 1) Surrender-generating limitation X is completely omitted from the reissue claims 20 - 27, and therefore constitutes impermissible recapture of what was previously surrendered.
  
- 2) As to limitation Y, reissue claims 20 and 26, and their dependent claims 21-25 and 27, respectively, fail to recite element Y, but do recite that the roll-up closure device is adapted to be “movable between blocking and unblocking position.” The new recitation in the reissue of the closure device being adapted to be movable between a blocking and unblocking position is not the inclusion of a broadened form of surrender-generating

limitation Y, since the originally filed claim, without the addition of surrender-generating limitation Y, recited that the closure means was displaced toward an open or a closed position. If the closure means is at the open position, it will not block; if the closure means is at the closed position, it will block. Thus, the newly added limitation in the reissue claims regarding the closure device being movable between blocking and unblocking position is inherent in the claims based on the originally claimed open and closed positions of the closure device; the blocking and unblocking limitations causing no narrowing of the scope of the originally filed claim. As such, the blocking and unblocking limitation in the reissue claims cannot be considered a broadened form of the surrender-generating limitation Y, but is rather a restated form of original claim 1 as it appeared prior to the insertion of limitation Y.

3) The new limitations added via reissue claims 20-25 regarding "guide engagement members" and the "elastic member coupled to the curtain," and the new limitation added via reissue claims 26-27 regarding "laterally inwardly biasing means" are narrowing limitations (as compared with the patent claims). These new narrowing features, however, are not related to elements X and Y (whose omission in the reissue claims 20 - 27 results in surrender).

Accordingly, reissue claims 20-27 are broader than the original patent claims 1-19 by not including the surrender-generating limitations, elements X and Y, of patent claims 1-19. This broadening of the claims is barred by the recapture rule, even though there is narrowing of the claims (e.g., "guide engagement members", "elastic member coupled

to the curtain", "laterally inwardly biasing means") **not related to** the surrender-generating limitations.

In view of *In re Clement*, 131 F.3d 1464, 45 USPQ2d 1161 (Fed. Cir. 1997), if a reissue claim is broader in an aspect germane to what was surrendered in response to a prior art rejection, but narrower in another aspect completely unrelated to what was surrendered, the recapture rule bars the claim. This is the understanding of how the shorthand set forth in *Clement*, 131 F.3d at 1470, 45 USPQ2d at 1165 for the broadening/narrowing scenario 3(a), is applied in light of *Hester Industries, Inc. v. Stein, Inc.*, 142 F.3d 1472, 46 USPQ2d 1641 (Fed. Cir. 1998) and *Pannu v. Storz Instruments, Inc.*, 258 F.3d 1366, 59 USPQ2d 1597 (Fed. Cir. 2001) both of which pointed out that one should look at the limitation **relied upon to define the invention over the prior art**, and determine if that limitation is omitted in the reissue claims. Note also the statement in *Clement* that every time the claims are narrowed by amendment, subject matter is surrendered. *Clement*, 131 F.3d at 1471, 45 USPQ2d at 1166 ("[E]very time Clement amended his claims, he intentionally omitted or abandoned the claimed subject matter.").<sup>1</sup>

The limitations of elements X and Y in claims 1-19 of the original patent are germane to what was surrendered in response to a prior art rejection, as these limitations were

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<sup>1</sup> This statement that every time the claims are narrowed by amendment, subject matter is surrendered, calls for analyzing reissue claims for whether a key narrowing that was made in the original prosecution has abandoned, i.e., surrendered, subject matter that the patent owner is now seeking to recapture by reissue. Thus, the insertion of a narrowing unrelated to the abandoned (surrendered) claim subject matter that owner is impermissibly trying to recover does not save the claim from the recapture doctrine.

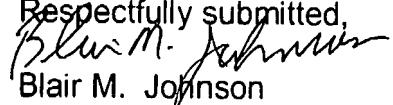
added by amendment after a prior art rejection of the originally filed and sole claim 1 and were indicated by applicant (original application, paper no. 5, page 8) as clearly distinguishing the claims (i.e., claim 1 and newly added dependent claims 2-19) over the prior art. Therefore, the limitations of elements X and Y were necessary in order to secure a patent. Similar to the facts in *Pannu v. Storz Instruments, Inc.*, 258 F.3d 1366, 59 USPQ2d 1597 (Fed. Cir. 2001), the applicant has broadened the reissue claims in an aspect germane to what was surrendered in response to the prior art rejection, and has narrowed in an area not related to the surrender. The decision in *Pannu* is on point as to the issues on appeal, because it provides an actual fact situation in which this scenario was held to be recapture.

Because reissue claims 20 through 27 omit the surrender-generating limitations, elements X and Y, and fail to include a replacement limitation in the area of the surrender, *Pannu* is on point while *Eggert* is not, and claims 20 through 27 impermissibly recapture what was previously surrendered.

Art Unit: 3634

In view of the facts of the case and the remarks presented above in support thereof, it is believed that the Examiner should be affirmed.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,  
  
Blair M. Johnson  
Primary Examiner  
Art Unit 3634

BMJ  
May 24, 2005

Conferees

Daniel Stodola 

Peter Cuomo 

PAUL B. STEPHENS  
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CHICAGO, IL 60606-6357

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT  
(Use several sheets if necessary)APPLICANT  
LePage, et al.

FILING DATE

GROUP

JC511 US 09/205318 P  
12/04/98

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
BJ	1,033,224	07/23/12	R. Andlauer			
	3,878,879	04/22/75	Mannes			
	4,016,920	04/12/75	Shepard			
	4,452,292	03/05/84	Leivenzon et al.			
	4,478,268	10/23/84	Palmer			
	4,569,383	02/11/86	Wentzel			
	4,601,320	04/22/86	Taylor			
	4,800,946	01/31/89	Rosenoy			
	4,884,617	12/05/89	Coenraets			
	4,887,660	12/19/89	Kraus			
	4,896,714	01/30/90	Ellis			
	5,025,847	03/25/95	Mueller			
	5,048,588	09/17/91	Weishar et al.			
	5,056,579	10/15/91	Krafutler			
	5,078,197	01/07/92	Weishar			
	5,123,474	03/23/92	Smith			
	5,139,074	08/92	Warner			
	5,139,075	08/18/92	Desrochers			
	5,141,043	08/92	Kraeutler			
	5,141,044	08/25/92	Hying et al.			
	5,207,256	05/04/93	Kraeutler			
	5,222,541	03/29/93	Hornberger			
	5,271,448	12/21/93	Delgado			
	5,299,617	04/05/94	Hying et al.			
	5,353,859	10/11/94	Oltahfer et al.			
	5,477,902	12/95	Kraeutler			
	5,526,865	01/18/96	Coenraets			
	5,535,805	07/96	Kellogg et al			

• 73

| 5,638,883

06/97

J. Schulte

## FOREIGN PATENT DOCUMENTS

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

B9		<p>"Re-Coil Away Specifications";        M &amp; I Door Systems Limited;        Date unknown; 2 pages.</p>
		<p>"Re-Coil-Away" Door System Installation Instructions";        M &amp; I Door Systems, Ltd.;        May 1991; 18 pages.</p>
		<p>"M &amp; I Door Systems Limited" Product Brochure;        M &amp; I Door Systems Limited;        Date unknown; 4 pages.</p>
		<p>"Rytec Breaks Away!" Products Brochures;        Rytec Corporation;        1992; 2 pages.</p>
		<p>"Rapid Roll Doors: The Super-Fast Solution!" Products Brochure;        Albany Internatioal;        1990; 8 pages.</p>
		<p>"Marathon Spirit" Products Brochure;        Marathon Door Division - ASI Technologies;        1991; 3 pages</p>
		<p>"RT Series" Product Brochure;        Kelley Company, Inc.        1993; 2 pages.</p>
		<p>"Kelley Door Selection Guide";        Kelley Company, Inc.;        1993; 16 pages</p>

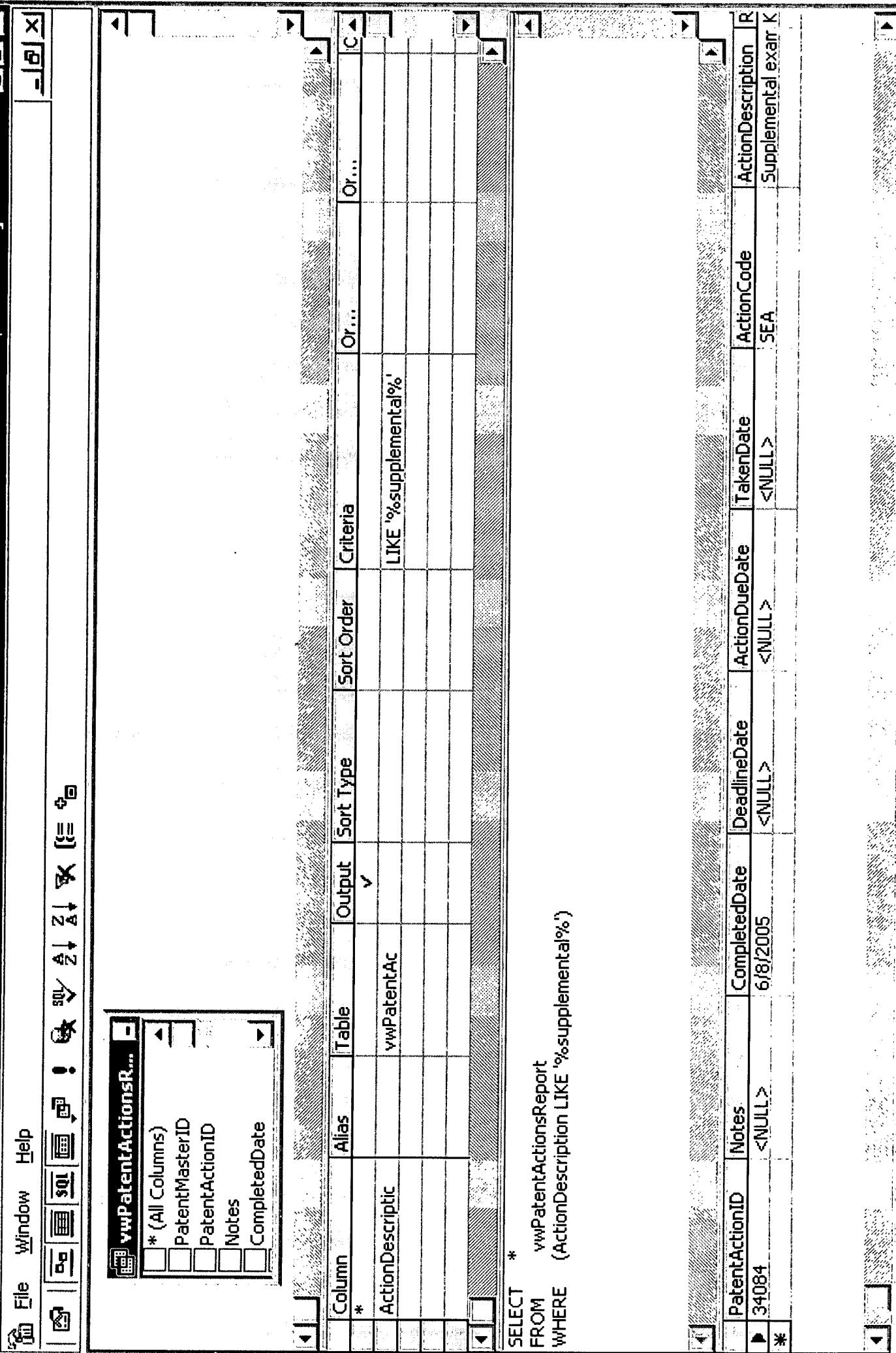
BJ			"Speedor" Product Brochure; Hart; Date unknown; 1 page

Blair M. Johnson  
Primary Examiner

BJ  
5/13/99

# **EXHIBIT B**

SQL Server Enterprise Manager - [Data in Table 'vwPatentActionsReport' in 'IpMaster Final' on 'SBS2K3\IPMASTER']



SQL Server Enterprise Manager - [Data in Table 'vwPatentActionsReport' in 'IPMasterFinal' on 'SBS2K3\IPMASTER']

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Show / Hide Results Pane

Patent ID	Patent Title	Patent Type	Patent Status	Notes	Completed Date
12345	Sample Patent	In Progress	Pending Review	* (All Columns)	

```
SELECT * FROM vwPatentActionsReport  
WHERE (PatientActionID = 34084) OR  
      (PatientActionID = 34085) OR  
      (PatientActionID = 34086) OR  
      (PatientActionID = 34087)
```

PatentActionID	Notes	CompletedDate	DeadlineDate	ActionDueDate	TakenDate	ActionCode	ActionDescription	R Supplemental exam K Response Due K
34084	<NULL>	6/8/2005	<NULL>	<NULL>	<NULL>	SEA		
34087	<NULL>	12/8/2005	<NULL>	<NULL>	12/8/2005	RES		

# **EXHIBIT C**



Patent: 92/D97-060A - United States

## Patent Data

Title	Roll-Up Door For Vehicle Shelters	Attorney	Keith R. Jarosik
Docket Number - Country	92/D97-060A - United States	Agent	
Case Type - Relation Type	Reissue Patent - Original Filing	Client\Division	Rite Hite Holding Corporation
Filing Type	National	Current Owner	
First Filing Date	11/8/1995	Previous Owner	
Status	Filed	Alternate Ref. No.	
Sub Status		Sub Status Date	
Application Number - Date	09/205,318 - 12/4/1998	Ind. Claims\Designs	
Publication Number - Date	-	Total Claims	
Patent Number - Grant Date	-	TotalClasses	
Assigned		ConfirmationNumber	
Convention Type		Next Tax Date	
Filing Number		Expiration Date	
Operating Group		Customer Name	Master Data Center

## Parent Data

Parent Country	United States
Parent Number	5,579,820
Parent Filing Date	
Parent Grant Date	12/3/1996

## Tax/Annuities

TaxAgent  
Tax Base Date

## Actions

Actions							
Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Responsible Atty #1	Responsible Atty #2	Notes
Supplemental examiner's answer				6/8/2005	Keith R. Jarosik	Mark G. Hanley	
Response Due	12/8/2005			12/8/2005	Keith R. Jarosik	Mark G. Hanley	
Status Check C/U	5/14/2008				Keith R. Jarosik	Mark G. Hanley	

## Inventors

### Inventors

Inventor Name	Assignment Date	Custom Text #2	Inventor #2	Inventor Date	Inventor 1	Inventor 2	Real Number 1	Real Number 2
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CreateUser: kradius  
CreateDate: 4/20/2005

UpdateUser: sdoyle  
UpdateDate: 5/15/2007